IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

FRIDAY THE TWENTY FIRST DAY OF NOVEMBER, TWO THOUSAND AND THREE

: PRESENT:

THE HON'BLE MR.JUSTICE: C.Y. SOMAYAJULU

CRIMINAL PETITION No. 5181 of 2003

Between:

1. Sri Saripalli Tirupathi Rao.
2. Sri Komarapu Venkata Rao.

Petitioners/Accused

(in Cr. No. 344 of 2003 on the file of S. I. of Police,
Vigilance, APTC, AP. Transco. Srikakulam)

AND

The State of A.P., rep. by its Public Prosecutor, High Court of A. P., Hyderabad.

Respondents
(Respondents in do)

COUNSEL FOR PETITIONERS :Mr. K. B. Ramanna Dora
COUNSEL FOR RESPONDENT :The Public Prosecutor.

Petition under Section 438 of Crl. P.C. praying that in the circumstances stated in the petition filed therewith, the High Court will be pleased to grant anticipatory bail to the petitioners in the event of arrest in Crime No. 344 of 2003 on the file of S. I. of Police Vigilance APTC,A. P. Transco, Srikakulam.

THE COURT MADE THE FOLLOWING :

ORDER:

"This is an application for anticipatory bail by the accused in Crime No. 344 of 2003 of A.P. T. S. Police Station, Srikakulam registered under Section. 135 of Electricity Act, 2003.

The contention of the learned counsel for the petitioner is that the petitioners where the alleged pilferage of power took place and so the petitioners may go granted the bail sought.

The Contention of the learned Public Prosecutor is that the first petitioner who is shown as A –2 is a partner of the concern, where the pilferage took place and the second petitioner was also present at the time of inspection and so petitioners are not entitled to anticipatory bail because the value of the pilfered energy is arrived at more than Rs. 6,00,000/-. In view of the fact that the first petitioner is said to be the partner of the firm, which he said to have pilfered more than Rs. 6,00,000/- value of energy.

First petitioner is not entitled to anticipatory bail. Hence, the petition of the first petitioner is dismissed. Since, prima-facie, there is noting to show that the second petitioner has committed any offence, he can be granted bail sought on some terms and conditions.

(Contd. 2.)

In the result, the petition of the first petitioner is dismissed. Second petitioner shall surrender before the S. H. O., A. P. T. S. Police Station, Srikakulam in Crime No. 344 of 2003 with in one week from today. On such surrender, he shall be enlarged on bail, on his executing a bond for Rs. 10,000/- with two sureties for a like sum each to satisfaction of the S. H. O., A.P.T.S. Police Station, Srikakulam. He should make himself available for the interrogation by the police as when required, in connection with the said Crime and should report his presence before the SHO. A.P.T.S. Police Station, Srikakulam on every Wednesday and Saturday between 9.00 a.m., and 10.00a.m., for a period of three months after his release."

ASSISTANT REGISTRAR

// TRUE COPY //

For ASSISTANT REGISTRAR

To

1. The Additional District & Sessions Judge – Cum – Special Judge for Tribunal Electrical Offices, Srikakulam.
2. The Station House Officer, S. I. of Police, Vigilance APTC, A.P. TRANSC, Srikakulam.
3. Two CCs to the Public Prosecutor, High Court of A.P., Hyderabad. (OUT)
4. One CC to Mr. K. B. Ramanna Dora, Advocate (OPUC)
5. One spare copy.

BV

HIGH COURT

Ksv

Date of drafting: 14-10-2003

CYSJ

DATE: 14-10-2003

NOTE: POST ON 20-10-2003

ORDER

CRL. P. NO. 4680 OF 2003

DIRECTION